## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,	) )
Plaintiff,	) ) CIVIL ACTION NO. 17-cv-10356-PBS
BRIAN ZAIGER dba ENCYCLOPEDIADRAMATICA.SE,	) ) AFFIDAVIT OF RICHARD GOREN )
Defendant.	) ) ) )

- I, Richard A. Goren, an attorney admitted to practice before the courts of the Commonwealth of Massachusetts, on oath depose and state as follows:
- 1. I am counsel to the Plaintiff, Jonathan Monsarrat. Upon consideration of this Court's May 15, 2015 Standing Procedural Order re: "Sealing Court Documents," I submit this affidavit in support of Plaintiff's October 18, 2017 Motion to file Exhibits C and D to Plaintiff's proposed amended complaint under seal. Doc. 45.
- 2. I signed and filed the motion seeking to file these two Exhibits in their entirety under seal because it is my firm belief the Court must find and rule that it is the entire page, and not just the images that constitutes the evidence of child pornography which should be filed under seal. See Plaintiff's October 23, 2017 Reply in support of Motion to file under seal. Doc. 50; Plaintiff's October 23, 2017 Emergency Motion to Strike portions of Defendant's Opposition to the motion to strike. Doc. 51.
- 3. I did not manually file with the Court a hard copy of the two exhibits because it is my firm belief the issue remains inchoate until the Court grants Plaintiff's motion for leave to amend. I informed the Defendant and the Clerk that I hoped the Court would hold a single

hearing first on the motion to amend and then, if appropriate, on the motion to file Exhibits C and D to the amended complaint under seal. I had contemplated manually filing the two exhibits at such a hearing. Exhibit A is a copy of an email chain of counsels' communications with the Court's clerks, initiated by Mr. Wolman, on October 18 and 19, 2017.

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 24th DAY OF OCTOBER, 2017.

<u>/s/Richard A. Goren</u> Richard A. Goren

## **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on October 24, 2017.

/s/ Richard A. Goren